Previous references.
GI No 1432-85/9 137 of 02

File No 82-12

1912.

Serial Nos 1-4.

(Municipal)

Later references
F. Nil 82-12 (1; 2 Secs)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1- 4.

Part B for August, 1912

SUBJECT

License for the construction and repair of buildings.

1. From the Dy Com^r, Shimoga, no 16 d 22.7.12: Requests to have the opinion of the Govt Advocate regarding the necessity of taking out licenses in certain cases of effecting repairs to buildings.
2. To the Regr, Ch. Court, no 1420 d 14.8.12: Requests him to send a copy of the order passed by the Ch Court in Criminal Revision Petn no 74 of 1911-12
3. From Do, no. 661/45 d 16 8.12. Submits a copy of the order as desired.
G R. S 58
4. To the Dy. Com^r, Shimoga, no 1990 d 31.8.12. Forwards a copy of the Govt Advocate's note on the subject.
M. N. Anandalwar
24.9.12

G.R.S. 11] 1912

GENERAL AND REVENUE SECRETARIAT

(Mad)

NOTES

File No 92

FILE HEADING

Licenses for the construction and repair of buildings

From

The Dy Commr Shimoga &c-

No 16 Dated 22.7.12 Received 24.7.12

Diary No. 93	Enclos	Spare Copies	Serial No 1

BRIEF ABSTRACT OF LETTER

Requests to know the opinion of the Govt thereon regarding the necessity of taking out licenses in certain cases of effecting repairs to buildings

NOTES AND ORDERS

2) See g/o of the Mad Rep^n VII of 1906 laying down the cases of structures for which licenses have to be taken & the meaning of the expression to erect a building has been made clear in the explanation thereto

Notes—First Sheet.

GPB—80,000—12-6-11

[G R. S. 12]

General and Revenue Secretariat. | Mal File No. 82 of 1912

Serial No

It does not appear to be necessary to take a license for only renewing the roof of a building, for retheatching the roof of a hut or for renewing the thatch walls.

3) Submitted for orders as to whether the file may be sent unofficially to the Govt Advocate for favor of opinion

TLS 6/9
4/7/12

4) No license appears to be necessary for renewing the roof under Sec 96 of the Mal Regn Bnd. as it is stated that the Shivaga Mal Council was insisting on a license, the point may be made clear by a reference to the Govt advocate

5) Forwarded to the Govt Advocate unofficially for favour of opinion

By Order
Asst Secy

30 7 12

For Secy

No Jw 22
30 7 12

6) By Sub-Sec. 67 of Sec 3 of the Municipal Regulation VII of 1906 "Building" is defined to

Encl. 4 30/7/8/12

NOTE—Contn. sheet.

(G R. S. 12)

General and Revenue Secretariat. | Wd File No. 82 of 1912

Serial No

include any hut shed or other enclosure also to include walls. By cl (a) appended to the explanation of sec 96 the expression "to erect a building" includes "any material alteration enlargement or reconstruction of any building" Re roofing in my opinion is a reconstruction of a building. as such the notice required in § 96 sub sec (1) appears to be in such a case necessary. But the renewal of the wattle & daub wall (by which expression I suppose it is meant the re-plastering of a mud like wall) is not such a reconstruction as to bring it within the scope of sec 96. I should have considerable hesitation in saying but for the opinion of the late Chief Judge Sir Stanley Seaman (in Cr R J no 74 of 1911-12 Kadappa vs Govt) that the erection of a wall on old foundation does not necessarily amount to reconstruction of a

Norm—Contn. sheet.

GPS—65,000—17-6-12.

G R S 12]

General and Revenue Secretariat | Ind File No. 82 of 1912

Serial No

building within the meaning of Sec 96 of the Municipal Regulation

Bombay 5-8-12

for orders

Oct 5/12

NOTE—Contin sheet

GPS—85 000—17 6-12

[G R. S. 12]

General and Revenue Secretariat. | Govt File No. S 2 of 1012

Serial No	
	7) The case of the Supreme Civil Court quoted by the Govt Advocate has not been reported in the Law Reports. If approved a copy of the order may be called for
	8) Submitted for orders. TLS 6/9 7/8/12
	9) Yes, Gracefully Please SPD 8-8-12
	10) Draft, submitted
	TLS 6/9 8/8/12 11) D'Sent
2	SPG/8/12. 12) To the Registrar of the Chief Court No. 1420 dt 14 8.12. Requests him to send a copy of the order
3	13) From Do. No. 101 dt 16.8.12 (D 1129) Submits a copy of the order as desired.
	14) Subt. for orders as to whether the opinion of the Govt Advocate may be communicated to the Dy Comrs, Shimoga &c TLS 6/9 21/8/12 15) Yes Please return Draft SPD 22-8-12 P. J-O

NOTE—Contin. sheet.

GPS—35,000—17-4-12.

Orig 6

G R S 12]

General and Revenue Secretariat

Exit File No. 82 of 1912

Serial No	
	16) Draft submitted TLSG 23/8/12 17) Issue SPR 24/8/12
4	18) To My Comr Shimoga No. 1990 d 31/8/12 Forwards a copy of Hulgood-Advocate's note on the subject

NOTE—Contn sheet

GPB—6,000—17 6-12

9/2-13

From
A. Srinivasa Rao Esquire,
President of Municipalities,
Thuraiyur District

To
A. R. Srinivasa Iyengar Esquire, Private Secretary to the Government of Bombay
Dated Government Revenue Department
Despatched 22nd July 1912 Bangalore

Received

General No 16
No.

Enclosure No. Three

Submits Copy of letter no. 17 dated 6-7-12 to the Government Advocate requesting his opinion in certain Municipal matters

G.P.D.—No. 000—10-8-11

Office of the President of Municipalities

538

Shimoga District

1912-1013 Dated 22nd July 1912.

SECTION

Subject: Sri. Srinivasa Row, Esquire

From,

Sri. Srinivasa Row, Esquire
President of Municipalities
Shimoga District

To

K A Srinivasa Iyengar Esquire BA.L
Offg Secretary to the Government of Bombay,
General and Revenue Departments,
Bangalore

Sir,

In forwarding herewith for information
Copy of my letter no. 17 dated 4/6 July 1912
addressed to the Government Advocate
and his reply no. 27 dated 12th July 1912
in the matter of giving legal opinion
on certain matters I have the honour
to request that you will be so good
as to address the Government Advocate
on the subject & favour me with
his opinion.

I have the honour to be
Sir,
Your most obedient Servant

G Srinivasa Row
President of Municipalities
Shimoga District

Office of the Government Advocate
in Mysore
Bangalore dated 12th July 1912

From, Cont ml 82-12/8/1

C. S. Doraswamy Iyer Esqure B.A.B.L.
Government Advocate in Mysore
Bangalore

To No. 27

K. Srinivasa Rao Esqure
President, District Board
Shimoga

Sir,

In acknowledging receipt of your letter no. 17 dated 6th instant in which my opinion on certain legal matters is required, I have the honour to invite your kind attention to para 3 el (a) of Government order no: 1932-85/J 137 of 02-03 dated 16th March 1904 and to the invariable practice that requisitions for the Opinion of the Government Advocate must

3

must be forwarded through
the Secretary to Government to
the department Concerned.

I have etc.

(Sd) C. S Sonnaradi Iyer
Government Advocate.

"Copy"

[signature]

President

[signature]

From

The 5th July 1912

K. Srinivasa Rao Esquire,
Presidg Municipality
Shimoga District

To

The Government Advocate
Bangalore

No. 17. Dated 6 July 1912.

Sir,

I have the honour to state that it has been the practice in this municipality to insist upon intending builders or others who may wish to repair their buildings to take out a license or written permission for the work from the Vice President. (Section 96 (1) and 97 Mysore Municipal Regulation)

I have therefore the honour to solicit your opinion on the following points —

(1) Whether renewal of the roof — Could be characterised as "erection of a building" as defined in section 96 of the

5

the Mysore Municipal Regulation of 1906 and the explanation thereto.

(2) whether it would be necessary to take out a license under section 96 of the Municipal Regulation for pethatching the roof of a hut and for renewing its wattle and daub side walls.

I request the favour of an early reply.

I have etc

(Sd) H Srinivasa Rao —
Deputy Commissioner and
President of Municipality.

"Copy"

H Srinivasa Rao

President

Mu

G.R.S. 26]

File No. 12

Serial No. 2

Diary No of letter replied to 5328

No. 1420
and 82-12
914 & 12

General and Revenue Secretariat
( )
, *the* 10th

To

The Registrar
of the Chief
Court in
Mysore

Date of issue 14/6/12

Signed by Mr SVR

Sir,

I am directed
to [illegible] the
[illegible] of the order
passed in Cr R P No.
74 of 1911-12 on the
file of the Chief Court
containing the opinion

over

SUBJECT

of the late Lord Chief Justice Sir Stanley Isaacs that the reception of a wall on old foundations does not necessarily amount to a re-construction of a building within the meaning of Sec 96 of the Rent Restriction Act of 1960, as required for reference & to request you to be so good as to forward a copy of the same as early as practicable

2. I am also to request that a copy of each of the orders passed if any in cases bearing on Sec 96 of the said Act may be kindly sent.

I have etc

Sd/

for Secy

TS 69
4/8/12

List of enclosures,

Copied by

Examined by

13/8/12

G.P.S.—20,000—23-8-55

8

No 661 / 45 ಕ್ಲರ್ಕ್ - ಒನ್ -

Chief Court of Mysore,

Bangalore, dated 16th August 1912.

DIARY No. 1124.

From,

The Registrar of the
Chief Court of Mysore,
B a n g a l o r e .

19/2/1913
SECTION 2nd
FILE No. 82-12
SERIAL No. 3

To,

The Secretary to Government,
General and Revenue Departments,
B a n g a l o r e .

Sir,

With reference to your letter No 1420/M1 82-12-2 dated the 14th Instant, I am directed to forward a copy of the order passed by this Court in Criminal Revision Petition No. 74 of 1911 - 12.

I have the honor to be,
Sir,
Your most obedient servant.

Registrar.

P.L.

187

In the Chief Court of Mysore at Bangalore.

Thursday, the 22nd day of February 1912.

Before Sir Stanley Ismay, K.C.S.I., Chief Judge.

Criminal Revision Petition No 74 of 1911 - 12.

Kadappa. Accused. Petitioner.

(By Mr V. Venkata Char for Mr L. Srinivasiengar)

V

The Government of Mysore. Complainant. Opponent.

(By Mr C.S. Doraswami Iyer, Govt Advocate)

Petition against the Judgment of the Assistant Commissioner and First class Magistrate of Shimoga Sub Division in Criminal Case No 147 of 1910 - 11.

This petition coming on for hearing on Tuesday, the 20th day of February 1912 the Court pronounced the following -

O r d e r

In this case I am of opinion that the conviction ought to be upheld. I have had the advantage of studying the very recent decision in Emperor V De Souza (I.L.R. XXXV Bom. 412) and I accept the view taken by the learned Chief Justice as a correct view. I am not prepared to say that the re-erection of a wall necessarily amounts to the material reconstruction of a building but in the present case I think that it does so. The Sanitary Inspector deposes that the wall was constructed on

a new foundation and his evidence appears to have been accepted by the Magistrate

The application for revision is dismissed.

(Sd) S. Ismay,
C h i e f J u d g e

"C o p y"

Registrar

P.L.

187

G.R.S 26]

File No. 11 Sr 12

Serial No. 4

Diary No of letter replied to 1129

Encl No 1990 ml 82-12- dy 31 8 12

General and Revenue Secretariat
(Rel)
, the 19

To

The Dy Commr
Shimoga Dt

Date of issue 31 8 12

Signed by mr SPR

Sir,

With reference to your letter no 16 dated the 22nd July 1912 requesting that Melgot Advocate may be moved to favour you with his opinion regarding the application of sec 9/b of the Income tax Regn

over

SUBJECT

Orders/ 9/8/12

VII of 1906 to certain questions, I am directed to forward herewith a copy of his note on the matters referred to in your letter

9 August 12

24 8 12

below his opinion on the points referred to.

Point (1). Whether renewal of the roof could be characterised as "erection of a building" as defined in Sec 96 of the Bye Regn VII of 1906 and the Explanation thereto.

Opinion. Reroofing is a reconstruction of a building & as such the notice required in Sec. 96 sub sec (1) appears to be is in such a case necessary

Point (2). Whether it would be necessary to take out a license under sec 96 of the Bye Regulation for retiling the roof of a hut for removing it of a like door

List of enclosures,

Copied by

Examined by

W. 27/8/12

GPB—20,000—23-8-12

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

side walls.

Opinion. The removal of the wattle & daub walls (by which expression he supposes it is meant the replacement of a mud-like wall) is not such a re-construction as to bring it within the scope of sec: 9(b)

I have etc

For Secy

Dated 20/8/17